

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEBRA FOX,

Plaintiff,

11 Civ. 5468 (JGK)

- against -

MEMORANDUM OPINION AND
ORDER

DEUTSCHE BANK, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

Pro se plaintiff Debra Fox brings this action against the defendants, Deutsche Bank, Harrisons Global Transportation, GMAC Mortgage Co., Option One Mortgage, Waltham Police Department, Sandview Home Loan Trust, Marinosci Law Group, Shawmut Mortgage Co. and Bank, and James Appleyard alleging, among other wrongs, that a mortgage theft and mortgage fraud scam has been perpetrated against her.

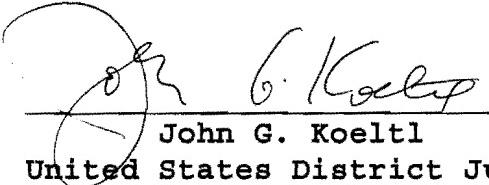
The plaintiff's complaint cites diversity of citizenship jurisdiction under 28 U.S.C. § 1332 as the only basis for federal jurisdiction in this case. Compl. at 2. However, § 1332 requires complete diversity between adverse parties. Herrick Co., Inc. v. SCS Commc'ns, Inc., 251 F.3d 315, 322 (2d Cir. 2001). Here, Ms. Fox describes both herself and several defendants as citizens of Massachusetts. Compl. at 2. Thus, complete diversity does not exist between the parties and this Court does not have subject matter jurisdiction over Ms. Fox's

case. See Lyndonville Sav. Bank & Trust Co. v. Lussier, 211 F.3d 697, 700 (2d Cir. 2000) ("It is axiomatic that federal courts are courts of limited jurisdiction and may not decide cases over which they lack subject matter jurisdiction.").

The Clerk is directed to enter Judgment dismissing the complaint without prejudice for lack of jurisdiction and to close this case. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: New York, New York
August 8, 2011


John G. Koeltl
United States District Judge